

1 CHRISTOPHER J. NEARY
 2 Attorney at Law, #69220
 3 110 South Main Street, Suite C
 4 Willits, CA 95490

5 (707) 459-5551

6 Attorney for defendants, U.S. ALCHEMY CORPORATION,
 7 dba UKIAH AUTO DISMANTLERS and WAYNE HUNT

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 PINOLEVILLE POMO NATION,) Case No. C 07-02648 EMC
 11 PINOLEVILLE POMO NATION)
 12 ENVIRONMENTAL ASSOCIATION and)
 13 LEONA WILLIAMS,) OBJECTIONS TO DECLARATION
 14 Plaintiffs,) OF GEORGE O. PROVENCHER

15 v.)
 16 UKIAH AUTO DISMANTLERS, WAYNE)
 17 HUNT, ISABEL LEWRIGHT, WARRIOR)
 18 INDUSTRIES, INC., RICHARD)
 19 MAYFIELD, ROSS JUNIOR MAYFIELD,)
 20 PAULA MAYFIELD, KENNETH HUNT,)
 21 U.S. ALCHEMY CORPORATION and)
 22 DOES 1-50, Inclusive,)

Defendants.)

23 Defendants U.S. ALCHEMY CORPORATION dba UKIAH AUTO DISMANTLERS
 24 and WAYNE HUNT ("Defendants") object to the opinion testimony of George O. Provencher.
 25 Defendants object to the conclusions characterizing the environmental conditions upon the Ukiah
 26 Auto Dismantlers site. Mr. Provencher's declaration indicates that he is an employee of plaintiff,
 27 Pinoleville Pomo Nation. Mr. Provencher's declaration indicates that he has a Bachelor of Arts
 28 Degree and an M.S. Degree in Administrative Science. Mr. Provencher's experience is in the field
 of environmental remediation, environmental science, hydrology, or in any capacity which would

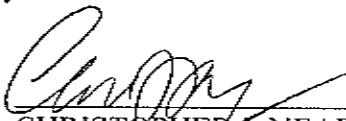
1 render him qualified to interpret chemical examination reports, to offer testimony as to the applicable
2 and appropriate "maximum contamination limits," or the "pollution quality limits," or to offer
3 opinion as to the conditions upon the property of Ukiah Auto Dismantlers.

4 Specifically, Defendants object to paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
5 20 and 22.

6 As to paragraph 13, Defendants object for lack of foundation in that there is no testimony that
7 the declarant has any personal knowledge as to the nature, design or function of the collection ponds
8 constructed upon the Ukiah Auto Dismantlers property in response to the Cleanup and Abatement
9 Order. Furthermore, as to paragraph 13, there is a lack of foundation that the collection ponds, or
10 either of them, have ever overflowed, or are in danger of overflowing in the future.
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12 Defendants also object to the declarant's characterization of the testimony of Richard
13 Azevedo, an expert witness, which testimony stands for itself.

14 DATED: June 10, 2008


15 CHRISTOPHER J. NEARY
16 Attorney for Defendants
17 U.S. ALCHEMY CORPORATION dba UKIAH
18 AUTO DISMANTLERS and WAYNE HUNT
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